



Paper No. 6

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Technology Center 2100

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ISRAEL

In re Application of:)	DECISION ON PETITION
Haim Zyi Melman)	UNDER 37 C.F.R. § 1.8 TO
Application No. 09/492,863)	ACCEPT PAPERS AS TIMELY
Filed: January 27, 2000)	FILED AND UNDER 37 C.F.R. §
For: APPARATUS AND METHOD FOR)	1.181 TO WITHDRAW
RETRIEVAL OF DOCUMENTS)	HOLDING OF ABANDONMENT

This is a decision on the petition filed, October 28, 2002, under 37 C.F.R. § 1.8(b) to accept papers as timely filed and under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.(See MPEP § 711.03(c)).

The petition is **DISMISSED**.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed January 31, 2002. A Notice of Abandonment was mailed September 25, 2002.

37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

In support of the petition, Petitioner provides (1) a statement informing the Office of the previous mailing or transmission of the correspondence; (2) a copy of an amendment filed in response to the Office action of mail date January 31, 2002; (3) a copy of the sending unit's confirmation report dated April 3, 2002. Petitioner, however, failed to provide a statement attesting on a personal basis or to the satisfaction of the commissioner to the previous timely mailing or transmission.

The petition is **DISMISSED**. The application file is being forwarded to the Files Repository.

If the Petitioner desires a further review of this Decision, Petitioner should consider filing a Request for Reconsideration within two months of the mailing date of this Decision.

SUGGESTED CORRECTIONS

Petitioner is urged to correct the record by filing a supplemental statement by an appropriate individual attesting to the transmission on a personal knowledge basis.

ADDITIONAL RECOMMENDATIONS

The following is a suggested format for Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____ . (Date)

Typed or printed name of person signing this certificate:

Signature: _____

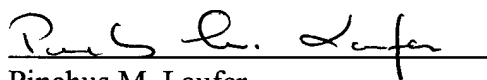
Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Under 37 CFR 1.8, a person may state on certain papers directed to the Office (exceptions are stated in 37 CFR 1.8), the date on which the paper will be transmitted by facsimile. If the date stated is within the period for response, the response in most instances will be considered to be timely. This is true even if the paper does not actually reach the Office until after the end of the period for response.

The Certificate of Transmission procedure, however, also applies to papers transmitted to the Office from a foreign country provided that the correspondence being transmitted is not prohibited from being transmitted by facsimile and is not otherwise precluded from receiving the benefits under 37 CFR 1.8.

It should be noted, however, that the Office will continue its normal practice of stamping the date of receipt (Mail Room Stamp) on all papers received through the mail or by facsimile except those filed under 37 CFR 1.10 (See MPEP § 513). The date stamped will also be the date which is entered on Office records and from which any subsequent periods are calculated. For example, 37 CFR 1.192 gives an appellant 2 months from the date of the appeal to file an appeal brief. For example, if the last day to respond to a final rejection was November 10, 1976, and applicant deposited a Notice of Appeal with fee in the U.S. mail on November 10, 1976, and so certified, that appeal is timely even if it was not received in the Patent and Trademark Office until November 17, 1976. Since the date of receipt will be used to calculate the time at which the brief is due, the brief was due on January 17, 1977. This is 2 months after the Mail Room date.

Inquiries related to this Decision should be directed to Pinchus M. Laufer at 703-306-4160.



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